

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

VERNICE RAY ROBINSON,

Petitioner,

v.

PAUL KLEE,

Respondent.

Case No. 10-14958

HON. AVERN COHN

**ORDER DENYING PETITIONERS MOTION FOR A CERTIFICATE OF  
APPEALABILITY (Doc. 23)  
AND  
GRANTING PETITIONER'S APPLICATION TO PROCEED IN FORMA PAUPERIS ON  
APPEAL (Doc. 22)**

I.

This is a habeas case under 28 U.S.C. § 2254. Petitioner Vernice Ray Robinson ("Petitioner") challenged his state court convictions for criminal sexual conduct, kidnapping, assault with intent to commit great bodily harm less than murder, assault with a dangerous weapon, and possession of a firearm during the commission of a felony. Petitioner claimed in an amended petition, which was filed through counsel, that the trial court erred by permitting the victim's out-of-court statements to be admitted in evidence, the prosecutor improperly commented on Petitioner's probation status, the late endorsement of a prosecution witness deprived Petitioner of notice and due process, the evidence at trial was not sufficient to sustain Petitioner's convictions, and trial and appellate counsel were ineffective. Respondent Paul Klee ("Respondent") contended that Petitioner's claims were time-barred, procedurally defaulted, and meritless. The Court found that none of Petitioner's claims warranted habeas relief and

denied the petition. The Court also denied a certificate of appealability. (Doc. 15).

Before the Court is Petitioner's motion for a certificate of appealability (Doc. 23) and application to proceed in forma pauperis on appeal.<sup>1</sup> (Doc. 22).

Because the Court has already denied a certificate of appealability, the motion requesting a certificate of appealability is DENIED AS MOOT. To the extent Petitioner seeks reconsideration of the denial, the motion fails to satisfy the grounds for reconsideration under E.D. Mich. LR 7.1(g).

Petitioner's request to proceed in forma paupers on appeal is GRANTED because an appeal could be taken in good faith. 28 U.S.C. § 1915(a)(3).

SO ORDERED.

S/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: July 19, 2016  
Detroit, Michigan

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<sup>1</sup>Petitioner filed a letter motion requesting permission to file a late notice of appeal. On May 16, 2016, the Court granted the motion. (Doc. 19). Petitioner then filed a notice of appeal. (Doc. 20).